

Minutes of a Regular Meeting of the City Council.

Austin, Tex., April 15, 1895.

Hon. John McDonald, mayor, presiding.

Roll call.

Present - Aldermen Anderson, Asmann, Gluscock, Goeth, Haynes, Jackson, Lawless, Linn, Nitschke, Platt, Powell, Redd, Roberdeau, Shelley, Taylor, Townsend 16

Absent - Aldermen Fischer, Glass, Hurne, Schneider, Robin, Warmoth 6

Minutes of the meetings of the city council held April 1 and 8, 1895 were adopted as printed.

Petitions, Etc.

Water Mains on  
E 1st & 3<sup>rd</sup> Streets.

A petition from citizens of the Tenth ward, requesting the city council to extend water mains on East First and Third streets some 1900 feet, was read and referred to the Water and Light commissioners.

Sprinkling streets

By Alderman Taylor. A petition of citizens requesting the city council to make provision for the sprinkling of the main thoroughfares in the city by contract or otherwise at the city's expense.

The petition was, on motion of Alderman Platt, referred to the committee on ordinances.

Aldermen Warmoth and Fischer entered the council chamber and answered to their names.

Y. M. C. A. to  
use Hemphill  
Park.

Alderman Shelley moved that the Young Men's Christian Association be permitted to use Hemphill square for general outdoor athletic exercises, conditioned that the association keep the fence surrounding said square in good repair. Carried.

Reports of Committees.

Police Com.  
Report.

Alderman Powell for the committee on police, to whom was referred the city marshal's report for the month of March, 1895, reported that the reports had been examined and found to be correct. The report was adopted.

Milk Inspector.

Alderman Taylor for the committee on ordinances, to whom was referred an ordinance entitled "An ordinance creating the office of milk inspector, fixing his compensation and duties", submitted a report thereon which states: "That under the State law dairymen and vendors of milk are exempt from an occupation tax, and unless expressed authority is granted by the charter, cities and towns cannot impose an occupation tax upon occupations not taxed by the State, and it being provided in said ordinance that the compensation of the milk inspector, not to exceed \$10 per month, shall be paid out of occupation taxes received from dairymen, your committee are of the opinion that the passage of such an ordinance and the creation of

the office of milk inspector will only add to the list of officers without providing compensation for his services; we therefore refer same back to the council for such action as they may deem proper." The report was adopted.

Milk Ordinance.  
Com. Report.

Alderman Taylor for the committee on ordinances, to whom was referred an ordinance entitled "An ordinance regulating the sale of milk, establishing a standard, providing for inspection and providing penalties for violation thereof," presented a report thereon which states:

"That they are unable to find any provision in the city charter granting the city council power to regulate and impose an occupation tax upon the sale of milk, and such occupation being exempt from tax under the state law, your committee are of the opinion that this provision of said ordinance cannot be enforced." The report was adopted.

Highland Park Cemetery.

Alderman Platt, for the committee on cemetery, to whom was referred a proposition from E. P. Stiles, manager of the Highland Park Cemetery Association, to place in control of the city that portion of the Highland Park Cemetery which is in use as a cemetery, a plat of which is of record in the county clerk's office, presented a report, which states that: "Your committee have carefully considered the proposition. We find that it would require a considerable outlay of money with a slim prospect of any return, and taking into consideration the financial condition of our city, your committee would most respectfully recommend that the city decline to accept the proposition tendered by the manager."

Alderman Linn moved that the report and proposition named therein be laid over until the next regular meeting of the city council.

The motion was lost by a rising vote of 6 to 11.

Alderman Schneider entered the council and answered to his name.

The pending report was then adopted by the following vote. Yeas- Aldermen Anderson, Homann, Fischer, Glascock, Lamles, Nitochke, Platt, Powell, Schneider, Shelley, Warmoth - 11.

Nays- Aldermen Goeth, Haynes Jackson, Linn, Redd, Roden-  
dean, Taylor, Townsend - 8.

Alderman Platt for the committee on cemetery, to whom was referred the proposition of the Alta Vista Cemetery association to establish a cemetery, presented a report thereon which states: "That we have carefully considered the same. We find that the association is not in a condition to make a proposition, not having perfected organization. There would be nobody clothed with authority to make a contract if the city were to accept the

Alta Vista Cemetery.

proposition. There is one stipulation contained in the proposition which in the opinion of your committee would preclude the city from accepting if other conditions were favorable. They ask that the city agree and stipulate that there shall be no extension of cemetery grounds or opening of new cemeteries within the next two years.

"Your committee would therefore recommend that the city decline the proposition."

The report was adopted.

The committee on Sanitation and Sewerage was given further time in which to prepare reports.

Aldermen Hume and Robin entered the council chamber and answered to their names.

#### Unfinished Business.

John Orr et al.

The proposal of Messrs John Orr and others to advance money to the city with which to lay a water pipe and place a fire hydrant, was taken up and read.

Alderman Schneider moved to lay it on the table.

Alderman Loeth moved to lay it over to come up with the report of the Water and Light Commissioners on the subject. Carried.

Alderman Taylor presented the following report:

Bull Creek Road

Travis Co's proposi-  
tion.

Austin, April 15, 1875.

To John McDonald, Mayor and Board

of Aldermen of the city of Austin:

Gentlemen— Your special committee to whom was referred the proposition of the commissioners court of Travis County relative to constructing a road around Mount Barker, to cost about \$2150, and asking the city of Austin to co-operate with them in the matter, beg leave to report as follows:

We have fully considered the proposition referred to and believe that it would be a desirable and just mode of final settlement of the question of the city's further liability for overflowing the road from Mount Bonnell to Bull Creek, and that the said road would be of great benefit to Austin, and we recommend that whenever there are available funds in the city treasury for this purpose that an appropriation be made to cover one-half the cost for constructing said road.

Respectfully Submitted,

Thomas P. Taylor, C. E. Anderson,

Henry A. Linn, Jeffreys.

The report was adopted.

An ordinance entitled "An ordinance amending sections 3 of an ordinance entitled 'An ordinance authorizing the Austin City Cemetery Association to establish a cemetery in the City of Austin,' passed March 18, 1873

was taken up on its second reading and read.

Alderman Jackson then moved to amend section 1 thereof by striking out \$50.00 and inserting "\$25.00", and by striking out "\$100" and inserting "\$75.00" as the price of lots.

Alderman Hermann, as a substitute, moved to strike out "\$100" and insert in lieu thereof \$75; thereby fixing the prices of lots at from \$50.00 to \$75.00 each.

The substitute was lost by the following vote:

Yea- Aldermen Anderson, Hermann, Fischer, Glascock, Lawless, Nitzeck, Platt; Powell, Shelley, Warmoth - 10  
Nays- Aldermen Gaeth, Haynes, Hurne, Jackson, Linn, Redd, Roberdeau, Schneider, Taylor, Robin, Townsend - 11.

Alderman Taylor then moved to lay the ordinance on the table, which was lost by the following vote:

Yea- Aldermen Gaeth, Haynes, Hurne, Linn, Schneider, Taylor, Robin, Townsend - 8.  
Nays- Aldermen Anderson, Hermann, Fischer, Glascock, Jackson, Lawless, <sup>Nitzeck</sup> Platt, Powell, Redd, Roberdeau, Shelley, Warmoth - 13

The amendment offered by Alderman Jackson was then adopted by the following vote:

Yea- Aldermen Anderson, Hermann, Fischer, Glascock, Jackson, Lawless, Nitzeck, Platt; Powell, Redd, Schneider, Shelley, Warmoth - 13.  
Nays- Aldermen Gaeth, Haynes, Hurne, Linn, Roberdeau, Taylor, Robin, Townsend - 8.

Alderman Linn moved that the council stand adjourned.  
Lost.

Alderman Taylor presented the following:

"At the end of section 9 insert: Provided, that no dead bodies shall be buried north of a line corresponding with Eighteenth street."

The amendment was lost by the following vote:

Yea- Aldermen Gaeth, Haynes, Hurne, Linn, Powell, Roberdeau, Taylor, Robin, Townsend - 9  
Nays- Aldermen Anderson, Hermann, Fischer, Glascock, Jackson, Lawless, Nitzeck, Platt, Redd, Schneider, Shelley, Warmoth - 12

A motion was then made to suspend the rules and place the ordinance on its third reading, which was lost by the following vote:

Yea- Aldermen Anderson, Hermann, Fischer, Glascock, Jackson, Lawless, Nitzeck, Platt, Powell, Redd, Shelley, Warmoth - 12  
Nays- Aldermen Gaeth, Haynes, Hurne, Linn, Roberdeau, Schneider, Taylor, Robin, Townsend - 9.

An ordinance creating the office of milk inspector and fixing his compensation and duties, was taken up and without being read, laid on the table.

New Business.

The following was read and laid aside without action:

Howard-Harrison Iron Co. Whereas the approximate amount which will be payable to the Howard-Harrison Iron Company on final settlement will be about \$15,000.00, one half of which is payable in bonds of the city; now therefore be it.

Resolved by the Board of Public Works, That the city council be requested to authorize payment on account to the Howard-Harrison Iron Company of \$7,000.00 in water and Light bonds of the city of Austin."

"The above resolution was adopted by the Board of Public Works at a meeting held on April 10, 1895.

W. J. Elephant, Secretary."

Howard-Harrison Iron Co. By Alderman Lawless An ordinance entitled "An ordinance appropriating the sum of \$6650.00 for the purpose of paying part of estimate No 7 of material furnished by Howard-Harrison Iron Company, to and including April 1, 1895; and authorizing said payment to be made."

The ordinance was read first time, after which Alderman Lawless moved to suspend the rules and place it on its second reading.

Alderman Taylor moved to lay the ordinance on the table. Lost.

Alderman Shelley moved to refer the ordinance to the committee on Finance and the Water and Light Commissioners. Carried.

City Offices.

By Alderman Haynes - A resolution providing that the mayor be requested to appoint a committee of five to examine and report to the council at the next regular meeting the cost and advisability of fitting up four office rooms in the lower front part of the city hall building for the use of the City Assessor and Collector, Superintendent Water and Electric Light system and water and Light Commissioners.

Alderman Anderson moved to refer the resolution to the Committee on Finance. Carried.

R. U. Dixon

By Alderman Glascock - Be it resolved by the city council of the City of Austin, That it is the opinion of this body that the contract made and entered into between the city of Austin and R. U. Dixon for tapping the water mains, connecting service pipes with said water mains and putting in stop boxes is exclusive in favor of the said R. U. Dixon in all cases where the city of Austin pays or becomes obligated for the payment of said work or material as specified in said contract between the said Dixon and the city of Austin.

It is further resolved that the <sup>City</sup> ~~Board~~ is hereby directed and instructed not to draw any warrant upon the Water and Light fund in favor of <sup>any</sup> person or persons like the said R. U. Dixon for tapping of water mains, furnishing

stop boxes or materials or labor in connecting service pipes with the said city water mains, or for any other purpose named in the said contract with said R. U. Dixon so long as said contract is in force and effect.

It was read and on motion of Alderman Shelley referred to the Water and Light Commissioners.

By Alderman Schneider - Whereas, There is a very large truss under the International and Great Northern Railroad Company's tract on West Sixth street, and

Whereas, It is becoming very dangerous for travel under said railroad track, therefore, be it

Resolved, by the City Council of the city of Austin, That the street committee and city engineer be requested to communicate with the proper authorities of the International and Great Northern Railway Company and request them to construct a span over West Sixth street where said street crosses under said railroad company's track.

The resolution was adopted

By Alderman Anderson - Resolved, That all water and light consumers who will pay in advance for their water and light, or either, be given a discount of 10 per cent of their bills for the year ending November 30, 1895 and that all over plus of money, after expenses are paid, be used in buying and extending the water & pipes."

It was read and referred to the Water and Light Commissioners.

The following was read:

Citizens to advance money for pipe laying. Resolved, That the city council be requested to authorize the superintendent of the water and light system to allow parties desiring to take water from the city's plant to lay mains in the streets of the city of Austin at their own expense they to own such pipes. The pipes thus laid to be of such sizes as may be designated by the superintendent and to be laid under his supervision, providing that all parties using water from such mains, pay to the city the regular rates for water, and provided that the city shall have the right to purchase such mains at cost at such time as the city council may determine.

Austin, Texas, April 15, 1895.

The above resolution was adopted by the Water and light commission at a meeting held on this date. W. J. Oliphant, Secretary.

City to buy water pipes.

By Alderman Robbins an ordinance authorizing the citizens of the city of Austin at their own expense to lay pipes in the streets of the city for the purpose of connecting with the Water system of the city.

It was read the first time and then a second time under suspension of the rules, and on motion of Alderman Taylor, referred to the committee on ordinances.

Alderman Lissmann was excused from further attendance  
on the session of the city council.

City Buildings to  
have water in.

Alderman Nitrichke moved that the superintendent  
of the water and light system be instructed to have  
all the city's buildings connected with the city's water  
system. Carried.

The council then adjourned.

Milton Morris,  
City Clerk.